



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.                                               | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.    | CONFIRMATION NO. |
|---------------------------------------------------------------|-------------|----------------------|------------------------|------------------|
| 10/698,382                                                    | 11/03/2003  | Chang-Bong Choi      | IK-0068                | 2720             |
| 34610                                                         | 7590        | 12/12/2005           | EXAMINER               |                  |
| FLESHNER & KIM, LLP<br>P.O. BOX 221200<br>CHANTILLY, VA 20153 |             |                      | AYRES, TIMOTHY MICHAEL |                  |
|                                                               |             |                      | ART UNIT               | PAPER NUMBER     |
|                                                               |             |                      | 3637                   |                  |

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                         |  |
|------------------------------|--------------------------------------|-----------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/698,382 | <b>Applicant(s)</b><br>CHOI, CHANG-BONG |  |
|                              | <b>Examiner</b><br>Timothy M. Ayres  | <b>Art Unit</b><br>3637                 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7,8,11,12 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 2,6,9,10 and 13-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

This is a second and final office action on the merits of application SN 10/698,382.

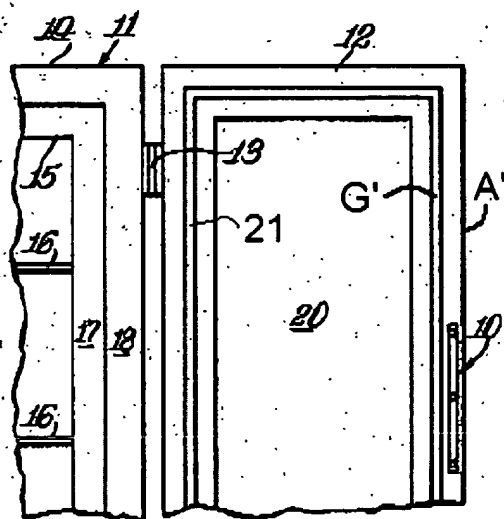
### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

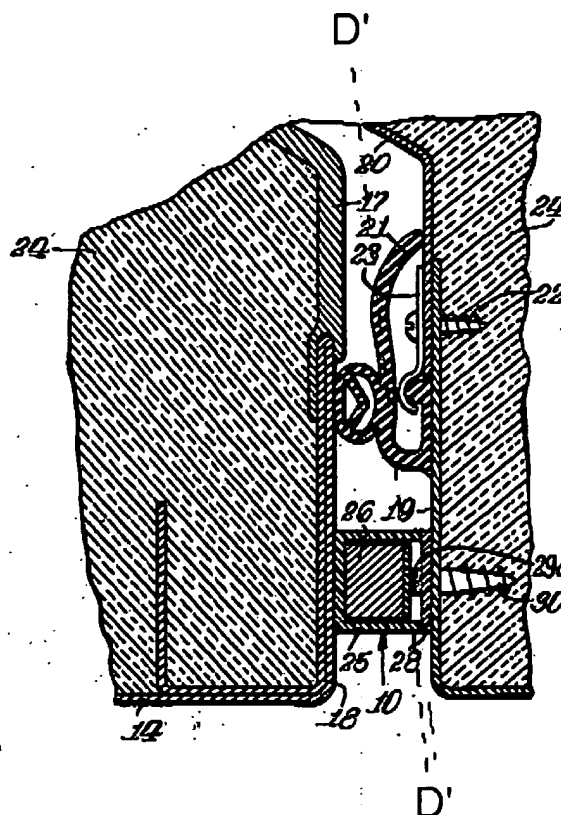
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 11, 12, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 3,009,725 to Koch. Koch discloses a refrigerator with a door that pivots about an axis of rotation defined by hinge pin (13). A gasket (21) is mounted on the door (12) near all 4 outer edges of the door (12) and is in a position to make contact with the door and the main body of the refrigerator as seen in figure 1 and 3 to create a seal. Of particular focus is the section of gasket (G') in the marked up figure 1 below that is between the hinge pin (13) and the outer edge (A') of the door (12). A cushioning member (10) is positioned between the gasket (G') and the outer edge (A') of the door (12). The cushioning member (10) is in such a location as to preclude over compression of the gasket (G') when the door is pivoted shut. As seen in figure 3 when the door (12) is shut, the gasket is compressed slightly, if the cushioning member (10) was not there then the door (12) could be pressed in more allowing for over compression of the gasket (G') as seen in figure 3 below as the dashed line (D') representing the potential edge of the door (12).



Koch '725 Figure 1



Koch '725 Figure 3

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-5, 7, 8, 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the disclosed prior art (fig. 1, 2a, 2b, 2c) in this application in view of U.S. Patent 3,009,725 to Koch. The prior art (fig. 1, 2a, 2b, 2c) discloses a drawer body (3) that

slides in and out on drawer rails (9). A door (2) is connected to a hinge pin (7), which is the axis of rotation. The door (2) has a gasket (8) around the edge that comes in contact with the main refrigerator body (1) when the door is closed. The gasket (8) is formed below the axis of rotation (7) and around the edge of the entire door. The drawn prior art does not disclose expressly a cushion member or a plurality of cushion members that prevents contact of the gasket with the main body of the refrigerator when the door pivots on the axis of rotation and that is installed on the door of the refrigerator.

4. Koch discloses a refrigerator with a door that pivots about an axis of rotation defined by hinge pin (13). A gasket (21) is mounted on the door (12) near all 4 outer edges of the door (12) and is in a position to make contact with the door and the main body of the refrigerator as seen in figure 1 and 3. Of particular focus is the gasket (G') in the marked up figure 1 above that is between the hinge pin (13) and the outer edge (A') of the door (12). A cushioning member (10) is positioned between the gasket (G') and the outer edge (A') of the door (12). The cushioning member (10) is in such a location as to preclude over compression of the gasket (G') when the door is pivoted shut. As seen in figure 3 when the door (12) is shut, the gasket is compressed slightly, if the cushioning member (10) was not there then the door (12) could be pressed in more allowing for over compression of the gasket (G') as seen in figure 3 above as the dashed line (D') representing the potential edge of the door (12).

5. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the drawn prior art in this application and add the cushion member (10) of Koch to the door of the refrigerator or to install it on main body of the

refrigerator to act as a latch for the door to help create a better seal with gasket and to prevent over compression of the gasket.

***Allowable Subject Matter***

6. Claims 2, 6, 9, 10, and 13-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1, 3, and 5-6 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 3637

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Ayres whose telephone number is (571) 272-8299. The examiner can normally be reached on MON-THU 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TMA  
12/05/05



LANNA MAI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

